

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:23-cr-0077-GHD-DAS

ANDREW MURPHY

DEFENDANT

**ORDER REJECTING RULE 11(c)(1)(C) PLEA AGREEMENT AND PERMITTING
DEFENDANT TO WITHDRAW GUILTY PLEA**

On June 23, 2023, the Defendant, Andrew Murphy, entered a plea of guilty to Count 1 of the Information [3, 6]. The Plea Supplement [5] included an agreement between the Defendant and the Government, pursuant to Rule 11(c)(1)(c) of the Federal Rules of Criminal Procedure, as to the sentence to be imposed.

At the change of plea hearing, the Court specifically addressed the recommended sentence and, pursuant to Rule 11(c)(3)(A), specifically preserved its option to defer a decision regarding the recommended sentence contained in the Plea Agreement until the Court reviewed the Presentence Report. At that time, the Court advised the Defendant that the Court was not bound by the plea agreement and that the Court retained discretion to reject it. Furthermore, the Court advised the Defendant that, should the recommended sentence contained in the Rule 11(c)(1)(c) plea agreement be rejected, the Defendant would have the right to withdraw his guilty plea.

Having reviewed the Presentence Investigation Report prepared by the United States Probation Service, the Court, utilizing its discretion under Rule 11(c)(3)(A), hereby rejects the parties' Rule 11(c)(1)(c) agreement as to the sentence to be imposed. Having done so, the Court will favorably entertain a motion from the Defendant to withdraw his plea of guilty.

THEREFORE, the Court hereby ORDERS that, pursuant to Rule 11(c)(3)(A), it REJECTS the agreed-upon recommended sentence contained in the Rule 11(c)(1)(C) Plea Agreement. The

Defendant shall file any motion to withdraw his guilty plea by Friday, October 13, 2023. Given the circumstances, the Defendant may instead file a motion requesting more time to decide whether to file a motion withdrawing his guilty plea or to proceed to sentencing; in that event, the Defendant shall file any such motion seeking additional time by Friday, October 13, 2023, in the premises.

SO ORDERED, this, the 10th day of October, 2023.



SENIOR U.S. DISTRICT JUDGE